S.B. CR.MISC.BAIL APPL.NO.6840/2007.

Raj Kumar Vs. State

Date of order : 30/10/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mr. S.S. Hasan for the petitioner.
Mr. Harshvardhan Nandvana PP for the State.

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Heard learned counsel for the petitioner, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioner has argued that allegation against the petitioner is that he was driver of the vehicle in which wires stolen by the co-accused Pankaj and Jagdish were transported. It is argued that main allegation of theft is against the aforesaid two co-accused who have already been enlarged on bail by the co-ordinate Benches of this Court. Pankaj has been enlarged on bail vide order dated 13/8/2007 in SB Cr.Misc.Bail Appl.No.5443/2007 and Jagdish vide orer dated 1/6/2007 in SB Cr.Misc.Bail Appl.No.2896/2007. The petitioner was arrested on 15/9/2007 and since then, he is in jail. The offence is triable by the Magistrate Ist Class.

Learned Public Prosecutor has opposed the bail application and argued that in view of the seriousness of offence, the petitioner is not entitled for indulgence of grant of bail pending trial.

Without expressing any opinion on the merits of the case but taking into consideration the aforesaid arguments and the fact that co-accused Pankaj and Jagdish have already been enlarged on bail and petitioner is in jail since 15/9/2007, I deem it appropriate to enlarge the petitioner on bail.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioner Raj Kumar S/o Mahendra Singh shall be released on bail in F.I.R. No.164/2007 P.S. Roopbas, District Bharatpur for offence under Section 379 IPC subject to his furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for his appearance before that court on all dates of hearing until conclusion of the trial.

anil **(MOHAMMAD RAFIQ), J.**